

EXHIBIT 43

1 Q. And what period of time did you walk the
2 beat?
3 A. From June of '73 until December of '73.
4 That was some walking, mostly driving.
5 Q. Okay. And your position in the
6 Jacksonville police department?
7 A. Well, it is office of sheriff, Jacksonville
8 police department.
9 Q. That period, the six month period, you
10 walked the beat as a patrolman, correct?
11 A. That's correct that was my status,
12 patrolman.
13 Q. Have you ever been higher than a patrolman?
14 A. No. By election, that has always been what
15 I have been studying, so I've always been a patrol
16 officer.
17 Q. So you've never been chief, a captain a
18 lieutenant or supervisor?
19 A. No, I've never been a supervisor.
20 Q. Have you ever had responsibility for hiring
21 and firing police officers?
22 A. No.
23 Q. Now, you mentioned that you updated your CV
24 probably around October of 2007?
25 A. Right.

9
1 you estimate?
2 A. Probably 90, sometimes 95 percent is civil
3 and the balance criminal.
4 Q. And so back to my other question, what
5 percentage of the civil cases would you say you consult
6 on behalf of plaintiffs?
7 A. Rough estimate would be somewhere between
8 60 and 70 percent plaintiffs, the balance defense.
9 Q. What percentage of your civil cases involve
10 police investigative procedures?
11 A. Well, let me answer it in this way: Of my
12 civil cases, there are two major categories, premises
13 liability crime prevention and police. With regard to
14 police, there are quite a number of sub areas, and it
15 would be difficult for me to differentiate other than
16 to say that a minority of them involve investigative
17 procedures.
18 Q. Okay, I'll tell you what: Of your civil
19 case load, what percentage involve premises liability
20 and what percentage involve police issues?
21 A. About half and half right now.
22 Q. Okay, so of the half that are police --
23 A. Right.
24 Q. -- what is your best estimate of the
25 percentage that involve police investigative

10
1 Q. And as it states now you've been involved
2 in some 1,500 cases?
3 A. Approximately.
4 Q. So is that number still an accurate
5 estimate?
6 A. It changes from day to day and week to
7 week, but it would be the closest approximation I could
8 give you.
9 Q. How long have you been performing
10 consultant work for civil litigation?
11 A. Since about -- initially about 1974 or
12 '75, somewhere right in there.
13 Q. How much of your annual income would you
14 say you get from consulting on civil litigation?
15 A. Oh, the vast majority of it, 95 percent,
16 other than University retirement and investments and so
17 on.
18 Q. And all these cases that you have been
19 consulting in, what percentage would you say you have
20 consulted on behalf of plaintiffs?
21 A. By the way, just parenthetically, I also
22 consult in criminal cases. Mostly civil, though.
23 Probably about 90 percent civil.
24 Q. I'll tell you what, of your entire case
25 load, how much is civil and how much is criminal would

12
1 procedures?
2 A. I couldn't tell you other than to say that
3 I have had many of them over the years, but I would be
4 guessing and I don't want to guess. I couldn't
5 quantitate it.
6 Q. Are there documents that you have that you
7 could look at to tell me what the percentage is?
8 A. There really are not. I've never
9 memorialized anything regarding cases in terms of a
10 breakdown of different -- because there are so many
11 different categories of police case pursuit -- use of
12 force, hiring procedures, investigative procedures.
13 Q. Okay. So there is no way you could tell me
14 what percentage of your police cases involve
15 investigative procedures?
16 A. No, other than to say that I have had a
17 great many of them over 30 years, no. I couldn't
18 quantitate it.
19 Q. And there are no documents you could look
20 at for that?
21 A. No.
22 Q. If you had to find out, what would you do
23 to find out?
24 A. There was a time when I knew every case and
25 every attorney. I would have to go to my reference

EXHIBIT 44

4 (Pages 13 to 16)

<p>1 list which runs from A to Z and which is very, very 2 lengthy and try to recall going through the names of 3 the attorneys. Oh, yes, this was an investigative 4 case, that was an investigative case. It is very 5 difficult in the amount of time that has passed and the 6 fallibility of memory to frequently recall is it a 7 police case or was it a premises case? Let alone what 8 type of police case it was unless it stands out for 9 some reason.</p> <p>10 Q. How long do you think it would take you to 11 go through that list? Two weeks?</p> <p>12 A. Quite a bit of time. I should imagine, 13 yes. I would think depending upon how much time you 14 spent ruminating on each -- it is just listed by 15 attorney name and location. It would be very, very 16 time consuming, I should think, to go through and try 17 to you know, tease your memory and recall each one. It 18 would be very difficult and then from that to try to 19 extract for example, I probably had more firearms cases 20 than any other category. Which ones were firearms? I 21 don't think I could reconstruct that to a very 22 successful degree over so many years, all 50 states.</p> <p>23 Q. You just said you have had significantly 24 more firearms cases.</p> <p>25 A. Right.</p>	<p>13</p> <p>1 Q. Is it fair to say you have no background as 2 a police investigator?</p> <p>3 A. No personal background, though again, I'm 4 thoroughly conversant with the professional literature, 5 the professional standards that exist and have existed 6 for many years throughout the United States regarding 7 police investigative procedures including internal 8 affairs matters.</p> <p>9 Q. Have you ever reviewed police investigative 10 procedures that are specific to the state of New 11 Jersey?</p> <p>12 A. Only if I have had a case and I've had 13 numbers of cases in New Jersey over the years that has 14 involved a matter of police investigation. As I sit 15 here, I don't know. I can remember use of force cases 16 in New Jersey, perhaps pursuit cases, but I don't know 17 what I have had up there investigatiewise.</p> <p>18 Q. Well, that is the important question. What 19 police investigative procedures specific to New Jersey 20 have you ever reviewed?</p> <p>21 A. Yes, I can't tell you that. I just don't 22 know.</p> <p>23 Q. How would you find out?</p> <p>24 A. Again, I would have to go back and look at 25 all the New Jersey cases I have had over the years</p>
<p>1 Q. Would you estimate that your police 2 investigation cases are more or less than 10 percent of 3 your police cases?</p> <p>4 A. I'm reluctant to try to quantitate it, 5 because I just don't know. I would tell you that the 6 other categories -- firearms, vehicular pursuit, less 7 than deadly force -- would surely be larger categories 8 than police investigative procedures, but that has been 9 a significant category. Whether it is 10 percent or 15 10 percent, I wouldn't think it would be over 20 percent, 11 but I just don't know. I don't have a number that I 12 could give you.</p> <p>13 Q. Do you consider yourself an expert in 14 police investigative procedures?</p> <p>15 A. Oh, yes. I'm thoroughly conversant with 16 professional standards that have existed for many years 17 regarding the conduct of police investigation, though I 18 have limited personal experience as a police 19 investigator.</p> <p>20 Q. Is it fair to say you don't have 21 significant experience as a police investigator?</p> <p>22 A. That is a fair statement.</p> <p>23 Q. Is it fair to say you don't have any 24 educational experience as a police investigator?</p> <p>25 A. That is true as well.</p>	<p>14</p> <p>1 through hundreds of law firms and try to recall which 2 of these would have had something to do with 3 investigative procedures as opposed to other things.</p> <p>4 Q. Did you look at any investigative New 5 Jersey investigative procedures when you prepared your 6 report in this case?</p> <p>7 A. No, I --</p> <p>8 Q. Thank you, Doctor.</p> <p>9 A. I'm sorry.</p> <p>10 Q. In your CV there is a point where you state 11 that you worked with four law enforcement agencies 12 regarding criminal investigations. What four agencies 13 were those?</p> <p>14 A. There are -- four agencies I work with were 15 chronologically, office of Sheriff Jacksonville police 16 that we have talked about during '73 for six months. 17 Then the Tallahassee police department from I think I 18 was sworn in there in May of '74 parallel with my 19 university career up until I tendered my resignation I 20 think around August of '91 and overlapping with that 21 period of time, I worked for two years with Leon County 22 sheriff's department.</p> <p>23 Q. Is that in Florida?</p> <p>24 A. It is in Tallahassee, yes, their criminal 25 investigation division on a part-time basis until there</p>

EXHIBIT 45

<p>1 was an Attorney General's ruling that you couldn't be a 2 sworn officer with two agencies simultaneously, so I 3 resigned that commission and kept the police department 4 commission.</p> <p>5 And then one summer under a grant from the 6 U.S. department of justice I worked as an undercover 7 officer as part of a federal strike force in Fort 8 Lauderdale, Broward County. That was for three months.</p> <p>9 Q. In your CV on that same topic of the 10 Florida agencies you worked with, there was a point 11 where you state that you worked on assignments as 12 diverse as, and one of them was criminal investigation.</p> <p>13 A. Right.</p> <p>14 Q. What is your definition of a criminal 15 investigation?</p> <p>16 A. Well, criminal investigation basically 17 involves the investigation of alleged criminal activity 18 on the part of someone. And it may be accomplished in 19 a variety of contexts as referenced what you just re. 20 I did investigative work undercover and I did some of 21 it as a -- as a detective with the sheriff's 22 department.</p> <p>23 Q. Did you ever do any criminal investigations 24 as a police officer in New Jersey?</p> <p>25 A. No, no.</p>	<p>17</p> <p>1 A. Of police cases, probably -- probably I 2 would say over the last five years, close to 70 percent 3 would be my best estimate.</p> <p>4 Q. On your CV you list yourself as a former 5 member of the International Association of Chiefs of 6 Police; is that correct?</p> <p>7 A. Associate member, yes.</p> <p>8 Q. But you were never a chief, correct?</p> <p>9 A. No, associate member you have to be 10 sponsored by a chief.</p> <p>11 Q. Have you ever spoken to Fred Inbau?</p> <p>12 A. Yes, I formerly served as a board member of 13 Americans For Effective Law Enforcement many years ago 14 so that's how I knew Prof. Inbau.</p> <p>15 Q. When is the last time you spoke to him?</p> <p>16 A. Oh, lord, it has been 30 years. He was 17 quite along in years. I don't know if he is still 18 alive.</p> <p>19 Q. Have you ever spoken to Gov. Dukakis?</p> <p>20 A. Not to the governor himself. I was 21 involved in a task force investigation some years ago 22 of training up there.</p> <p>23 Q. Who did you work with at the British Metro 24 Police in 1988?</p> <p>25 A. I don't recall who I -- they brought me</p>
<p>18</p> <p>1 Q. And just so I am correct, you were never 2 higher than a patrolman as a police officer, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And you've never been a police officer in 5 New Jersey, correct?</p> <p>6 A. That's correct also.</p> <p>7 Q. Doctor, what is your average annual income 8 for the past five years?</p> <p>9 MR. FAUGNO: I'm going to object to that, 10 but you can answer.</p> <p>11 THE WITNESS: Again I'll have to give you 12 my best estimate.</p> <p>13 BY MR. RAINONE:</p> <p>14 Q. I won't tell the IRS.</p> <p>15 A. That's all right. I deal with them all the 16 time. I have a Florida sub S corporation I've had for 17 about 30 years now and I operate sole officer under it. 18 And I would say I am -- I gross probably 250 to 19 \$300,000 from which I derive an income after expenses.</p> <p>20 Q. And that is for your consulting work, 21 correct?</p> <p>22 A. Correct. That's all consulting.</p> <p>23 Q. Over the past five years, just as to your 24 police cases, what percentage of those civil police 25 cases were you consulting for a plaintiff?</p>	<p>20</p> <p>1 over there and I gave some lectures and spent some time 2 with different parts of their police structure. I 3 don't remember, it has been so many years.</p> <p>4 Q. Is there any place you could look at to 5 find out that information?</p> <p>6 A. I don't think so. There may be a Bobby's 7 hat in there.</p> <p>8 Q. Who did you work with at the New York 9 police department PBA?</p> <p>10 A. I don't remember the names of the PBA 11 officers that had me up there. I was consulting with 12 them on stress and crisis intervention in the police 13 department. I can't remember over so many years, just 14 to say that they were members of the PBA that brought 15 me up.</p> <p>16 Q. Your work with the NYPD PBA, did that have 17 anything to do with investigative procedures?</p> <p>18 A. No.</p> <p>19 Q. I'll tell you what, Doctor. Why don't you 20 open Kirkham 1 which is your CV.</p> <p>21 A. All right.</p> <p>22 Q. And pages 3 to 4.</p> <p>23 A. Right.</p> <p>24 Q. Really starting at the bottom with the 25 Detroit Police Officers Association about the fifth</p>

EXHIBIT 46

6 (Pages 21 to 24)

	21		23
1 entry from the bottom.		1 Jersey?	
2 A. From the bottom, okay.		2 A. I don't think so.	
3 Q. Start on page 3, Doctor.		3 Q. You don't think so or you didn't?	
4 A. I'm sorry, okay.		4 A. I'm pretty sure I have never done. 50	
5 Q. Go back one.		5 states are hard to remember, but I'm sure it would be	
6 A. Okay.		6 listed on here if I had.	
7 Q. Detroit Police Officers Association.		7 Q. So if it is not on your CV, it didn't	
8 A. Right.		8 happen?	
9 Q. Running all the way down through the next		9 A. I don't think so.	
10 page which ends Hillsborough County Sheriff Police		10 Q. Since 1991, what has been your occupation	
11 Department.		11 other than the consulting work?	
12 A. Right.		12 A. Well, Professor emeritus, Florida State	
13 Q. Could you tell me which of these		13 University school of criminology and criminal justice	
14 associations you had any involvement with police		14 and a private criminal justice consultant. I stand	
15 investigative procedures?		15 semiretired now.	
16 A. I don't think there are any of these. They		16 Q. Are you still teaching at Florida State?	
17 were in connection with other matters other than police		17 A. No, no.	
18 investigation. I don't think any of them had to do		18 Q. When did you retire?	
19 with police investigation.		19 A. August of 1991.	
20 Q. Okay, thank you, Doctor.		20 Q. So since August of 1991, you've been	
21 A. Sure.		21 consulting?	
22 Q. Who did you work with at the U.S. treasury		22 A. Yes, that's correct.	
23 department?		23 Q. Before you got your doctorate degree, you	
24 A. I worked with the consolidated federal law		24 were working in a prison, correct?	
25 enforcement training center which was located in		25 A. I had worked in a prison, yes.	
	22		24
1 Washington at the time. It is now in Glen Cove,		1 Q. How many years did you work in a prison	
2 Georgia, but I don't remember the name of the person		2 for?	
3 who brought me up there to do training.		3 A. Initially, I was a student professional	
4 Q. What year was that?		4 assistant at Soledad state prison, now Salinas Valley	
5 A. That would have been somewhere back in		5 state prison from 1964, the summer of '64 and then I	
6 probably the early eighties. I don't recall exactly.		6 returned there. I worked there two years while I was	
7 Q. Okay. Who did you work with at the FBI?		7 finishing my masters degree.	
8 A. Again I was invited to come up to Quantico		8 Q. And your bachelors and master's degree,	
9 and display a new series of training films I developed		9 what was their concentration in?	
10 under the U.S. Department of Justice grants, but I		10 A. In the field of criminology.	
11 don't remember who the contact person was.		11 Q. Criminology?	
12 Q. Am I correct in understanding your CV that		12 A. Yes.	
13 you have performed consultant work for some police		13 Q. Are you sure?	
14 departments and towns throughout the country?		14 A. Yes. At the time it was specifically	
15 A. Yes, I have and I don't currently do that		15 criminology, it was corrections. My degree says	
16 type of work anymore but I have done extensive training		16 emphasis corrections. I was going into the penal	
17 and consulting.		17 system.	
18 Q. When was the last year you did that?		18 Q. Okay. So it wasn't with an emphasis in	
19 A. I haven't done that probably for oh, gosh,		19 police investigations?	
20 15 years or more now.		20 A. No, no.	
21 Q. According to your CV, you've never acted as		21 Q. In your CV you list a two part video series	
22 a consultant for a New Jersey town or state police		22 called Police Authority and Informal Discretion. What	
23 department?		23 are those videos about?	
24 A. I don't believe so.		24 A. Basically, they are a series of vignettes	
25 Q. And not a county police department in New		25 that show officers in different field situations,	

<p>1 predominantly patrol officers, some officers in other 2 capacities, off duty, for example, in which the officer 3 makes a proper or improper use of the exercise of 4 authority, his or her authority, and there is a 5 critique of it. There are role plays, there is a 6 manual that goes along with it. That was developed 7 under grants from the U.S. Department of Justice.</p> <p>8 Q. What years were those videos made?</p> <p>9 A. They came out in '76. You are talking 10 about Police and Human Dimension. There were eight of 11 them, I think.</p> <p>12 Q. You haven't received a research grant since 13 1979, correct?</p> <p>14 A. I have not applied for one, that's correct.</p> <p>15 Q. So you haven't received one?</p> <p>16 A. No, I have not applied for one.</p> <p>17 Q. Okay. When was the last time you applied 18 for one?</p> <p>19 A. It would have been somewhere back in the 20 seventies, mid seventies. I wound up using grant 21 monies that I had at the University that had been 22 sitting in the bank as it were, to develop the body 23 language series in the late eighties, '89 or so.</p> <p>24 Q. What year was your work as you describe it 25 in your CV the subject of a 60 Minutes segment?</p>	25	<p>1 Q. So you have never received any formal 2 education on police investigative procedures; is that 3 correct?</p> <p>4 A. Only -- patrol officers are investigators 5 to a degree. Only in the course of the basic police 6 academy. There has been no formalized training in 7 police investigative procedures.</p> <p>8 Q. I'll tell you what, let me ask a different 9 question. When you obtained your bachelors, masters or 10 doctorate degree, none of those degrees involved 11 education in police investigative procedures?</p> <p>12 A. You are right.</p> <p>13 Q. And as for your experience, it is simply in 14 your training as a patrolman, right?</p> <p>15 A. As far as any training that I would have 16 had in investigative matters, yes.</p> <p>17 Q. Okay.</p> <p>18 A. In-service training or academy training.</p> <p>19 Q. Thank you, Doctor, you can put that one 20 aside. That wasn't painful.</p> <p>21 A. That's what a dentist says. My brother is 22 a dentist.</p> <p>23 (Kirkham Exhibit 2, document entitled 24 "Rule 26b List for Dr. George Kirkham" was marked 25 for identification.)</p>	27
<p>1 A. Boy, that's tough. I think somewhere in 2 the mid seventies. I'm not sure just when. Maybe late 3 seventies.</p> <p>4 Q. Okay. And you listed the Tomorrow Show on 5 NBC.</p> <p>6 A. Right.</p> <p>7 Q. Did you mean the Today Show?</p> <p>8 A. No, it was then called the Tomorrow Show.</p> <p>9 Q. Same question. What year was your work the 10 subject of the Tomorrow Show?</p> <p>11 A. I think that was back somewhere in the mid 12 seventies. Something like that.</p> <p>13 Q. For Good Morning, America, Newsweek, U.S. 14 News and World Report, People magazine and Reader's 15 Digest, is it fair to say your work was the subject of 16 all those particular media outlets in the 1970s?</p> <p>17 A. Right, the movement from professor to 18 policeman is mainly what they were focused on.</p> <p>19 Q. Nothing in the 1980s or nineties?</p> <p>20 A. No. I've done, I do interviews with MS-NBC 21 or Fox News, things like that, but sporadic.</p> <p>22 Q. But the ones you identified in the CV, you 23 are referring to the 1970s time period?</p> <p>24 A. Yes, those mostly surrounded the Professor 25 Policeman project.</p>	26	<p>1 BY MR. RAINONE:</p> <p>2 Q. Dr. Kirkham, we have placed in of you what 3 we marked as Kirkham Exhibit 2 which I will represent 4 is a rule 26b list for Dr. George Kirkham which I 5 received from Mr. Faugno and also from your website. 6 Would you take a look through that document and tell me 7 if you agree with my characterization of the document.</p> <p>8 A. Yes, that is exactly what it is.</p> <p>9 Q. And did you prepare this list?</p> <p>10 A. No, my associate, Prof. Pete Fanton, 11 prepared this.</p> <p>12 Q. Do you know when the last time it was 13 updated?</p> <p>14 A. It was just updated through '07 recently. 15 It looks like the updates are on here.</p> <p>16 Q. So is this a full and complete list of all 17 the cases you have testified in or been deposed in 18 since 2000?</p> <p>19 A. Well, it is also cases I have been retained 20 in and have done neither deposition nor trial. They 21 have settled or resolved, for example.</p> <p>22 Q. Okay.</p> <p>23 A. So it is with the caveat that we are now 24 sitting here in February and there are recent cases, a 25 few cases that have come in already this year that</p>	28

EXHIBIT 47

12 (Pages 45 to 48)

	45		47
1 other documents, no.		1 A. You know, there may be things that are	
2 Q. That's no?		2 italicized. I don't remember what I did in terms of	
3 A. No.		3 the process of putting this together.	
4 Q. All right. Before you prepared this		4 Q. Okay. So you don't have the drafts of the	
5 report, who did you speak to?		5 report?	
6 A. Mr. Faugno.		6 A. No, no.	
7 Q. Did you speak with Mark Van?		7 Q. Okay. Do you have any notes, handwritten	
8 A. No, I've never spoken to Mr. Van.		8 notes when you were reviewing the 28 items?	
9 Q. You only spoke to Mr. Faugno?		9 A. No. See, my style of note taking is to	
10 A. Yes.		10 highlight, I italicize, I dog ear. Sometimes I make a	
11 Q. Did you speak with anyone else?		11 parenthetical marginal note, but that is my style of note	
12 A. His secretary, mostly about the logistics		12 taking.	
13 of the deposition.		13 Q. Okay, so this Redweld which we will mark we	
14 Q. Anyone else outside of Mr. Faugno's office		14 will call Kirkham 4, this is your complete file in this	
15 before you prepared this report, did you speak to them?		15 matter which we will have copied and I'll take a copy.	
16 A. No.		16 A. That's correct.	
17 Q. Did you go to New Jersey before you		17 Q. And that's everything, no notes or drafts	
18 prepared the report?		18 anywhere else?	
19 A. No.		19 A. No. I assume the court reporter takes	
20 Q. While you were preparing the report, did		20 that, he will get it back to me.	
21 you talk to Mark Van?		21 Q. Right. So the only person you spoke to in	
22 A. No, I've never spoken to Mr. Van in my		22 preparing this report was Mr. Faugno, correct?	
23 life. I don't know him.		23 A. Correct.	
24 Q. Okay. You said you prepared this report,		24 (Kirkham Exhibit 4, Dr. Kirkham's file, was	
25 correct?		25 marked for identification.)	
	46		48
1 A. Entirely by myself, yes.		1 BY MR. RAINONE:	
2 Q. You typed it where, on a computer?		2 Q. On items 1 through 28, there are items 21	
3 A. On my computer, correct.		3 through 27 are depositions of seven witnesses. Did you	
4 Q. The computer is in this house we are in		4 read all seven depositions?	
5 now?		5 A. Very carefully. Some of them more than	
6 A. Yes, it is.		6 once, yes.	
7 Q. Are there drafts of this report before this		7 Q. Let's go to paragraph 1 of the report,	
8 final one?		8 Doctor.	
9 A. No. I mean, initially, I would go through		9 A. All right.	
10 it, I would move things, add things. This is the end		10 Q. In paragraph 1, this is Kirkham 3, you use	
11 product. This is all I save.		11 the term "extremely serious violations." I would like	
12 Q. So there were drafts; is that correct?		12 you to define for me what "extremely serious" means in	
13 A. Well, drafts in the sense of you know, my		13 your mind.	
14 initial composition. I don't remember which paragraphs		14 A. Egregious, outrageous, beyond the pale of	
15 I changed or which things I might have added to or		15 anything remotely acceptable in the field of law	
16 moved around. That's the way one prepares something		16 enforcement. I am not given to hyperbole, but those	
17 like this, but I don't think of it as drafts.		17 are terms that are used to accentuate the seriousness	
18 Q. When you were working on the report, was		18 of the situation.	
19 there any information you deleted from the final report		19 Q. You said, "outside the realm of anything	
20 before you sent it out?		20 acceptable in law enforcement"; is that correct?	
21 A. No. I mean, I edited. Without any input,		21 A. Violations of specific police investigative	
22 I might add, from Mr. Faugno or anyone else. As I sit		22 procedures is what I am talking about specifically.	
23 at my machine, my computer working on this, I'm sure		23 Q. Okay. What specific police investigative	
24 there are sentences that have been changed.		24 procedure did you base this statement on, this	
25 Q. Okay.		25 "extremely serious violations"?	

<p style="text-align: right;">49</p> <p>1 A. It is based on my familiarity and I would 2 be glad to give you some exemplars off the top of my 3 head. My familiarity with an extensive body of 4 publications -- books, articles, monographs -- on 5 proper investigative procedures, police investigative 6 procedures involving specifically police personnel who 7 allegedly had been involved in some form of misconduct. 8 The backdrop of my familiarity with the relevant body 9 of professional literature that is utilized in my 10 experience throughout the United States in law 11 enforcement agencies -- federal, state and local.</p> <p>12 Q. Could you point out to me in items 1 13 through 28 where those specific books and reference 14 materials are?</p> <p>15 A. Well, they are not chronicled in here. 16 They are not things that I -- I did not go back.</p> <p>17 MR. FAUGNO: I object. He didn't say he 18 reviewed them.</p> <p>19 MR. RAINONE: He said that's what they were 20 based on.</p> <p>21 MR. FAUGNO: That doesn't mean he reviewed 22 them for this case.</p> <p>23 THE WITNESS: It is predicated on my 24 longstanding familiarity with these documents. 25 Thought I did not for purposes of this case ad hoc</p>	<p style="text-align: right;">51</p> <p>1 I didn't feel a need to do it. These things I am 2 familiar with, I have been for many years.</p> <p>3 Q. I'll tell you what: The well-established 4 law enforcement investigative standards and procedures.</p> <p>5 A. Okay.</p> <p>6 Q. What standards and procedures are you 7 referring to?</p> <p>8 A. I'm talking about standards that relate to 9 police investigative procedures and those particularly 10 that pertain to alleged criminal and/or administrative 11 violations by a law enforcement officer. Those things 12 are dealt with in countless texts, periodicals. I'll 13 be glad to give you examples. You can look at them.</p> <p>14 Q. Give me a list.</p> <p>15 A. Again, you're asking for a list, counsel, 16 and I'm speaking off the top of my head in terms of 17 memory against a huge body of literature, but I'll be 18 glad to give you some prominent exemplars.</p> <p>19 Q. I would like for you to give me what you 20 are referring to in paragraph 1. You wrote a report, 21 "Well-Established Law Enforcement Investigative 22 Standards and Procedures." Yes or no, you can give me 23 the list of the procedures and standards you are 24 referring to in paragraph 1?</p> <p>25 A. "List" implies comprehensive.</p>
<p style="text-align: right;">50</p> <p>1 go back and begin reviewing specific documents is 2 what I am saying.</p> <p>3 BY MR. RAINONE:</p> <p>4 Q. I'll tell you what. Give me the list now.</p> <p>5 A. Not having a photographic memory, I would 6 be glad to give you some prominent exemplars off the 7 top of my head.</p> <p>8 Q. No, I would like to know the list you 9 relied on in making the statement that based on the 10 documents 1 through 28 that you looked at disclosed 11 extremely serious violations by the defendants of 12 well-established law enforcement investigative 13 standards and procedures. I want to know what specific 14 reference materials you were describing that your 15 general backdrop you have knowledge of.</p> <p>16 A. You are asking for two different things.</p> <p>17 Q. No. If you don't understand the question, 18 tell me.</p> <p>19 A. Well, I don't understand the question. By 20 way of clarity, are you asking me what specific -- I 21 think I just answered this. What specific documents, 22 professional standards documents, I reviewed? Or are 23 you asking me did I rely on general law enforcement 24 literature that would contain some specifics? But I 25 didn't do a literature search for purpose of this case.</p>	<p style="text-align: right;">52</p> <p>1 Q. It's a simple question. Can you give me 2 the list?</p> <p>3 MR. FAUGNO: You are being argumentative.</p> <p>4 MR. RAINONE: I would like an answer to my 5 question.</p> <p>6 THE WITNESS: No, I cannot give you a list 7 of all relevant documents, periodicals, textbooks, 8 articles that are published in the United States of 9 America. It is extensive. It will fill shelf 10 after shelf. I cannot give list all those 11 documents.</p> <p>12 BY MR. RAINONE:</p> <p>13 Q. That is not what I am asking. I'll give 14 you an example? If I wanted to -- as a lawyer, if I 15 want to know what the rules are in the federal court, I 16 go and look at the Federal Rules of Civil Procedure. 17 So you have written a report about violations of 18 well-established law enforcement investigative 19 standards and procedures. How do I -- I'm not a police 20 officer, I've never been a police officer. How do I go 21 find out where these standards and procedures are?</p> <p>22 A. You ask the deponent expert, I think, could 23 I have some sources? Could I have some examples of the 24 types of material you predicated your report on? When 25 you speak of violations of well-established</p>